

**Puget Sound Partnership**

**Title 400 WAC**

**PUGET SOUND PARTNERSHIP**

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**Chapter 400-12**

**LOCAL PLANNING AND MANAGEMENT OF NONPOINT SOURCE POLLUTION**

400-12-100 Authority. [Statutory Authority: 1996 c 138, 96-23-057, § 400-12-100, filed 11/19/96, effective 12/20/96. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-100, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-110 Purpose. [Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-110, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-110, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-120 Applicability. [Statutory Authority: 1996 c 138, 96-23-057, § 400-12-120, filed 11/19/96, effective 12/20/96. Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-120, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-120, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-200 Definitions. [Statutory Authority: 1996 c 138, 96-23-057, § 400-12-200, filed 11/19/96, effective 12/20/96. Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-200, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-200, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-210 Overview. [Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-210, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-210, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-220 Public involvement. [Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-220, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-220, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-305 Initial watershed ranking. [Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-305, filed 11/6/91, effective 12/7/91.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-320 Five-year review. [Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-320, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-320, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-12-400 Lead agency for watershed planning. [Statutory Authority: Chapter 90.70 RCW, 91-22-096, § 400-12-400, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 90.70.055 and 90.70.060, 88-06-053 (Order 88-01), § 400-12-400, filed 3/2/88.] Repealed by 10-12-09, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

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[W11 WAC Supp—page 1]
Chapter 400-04 Title 400 WAC: Puget Sound Partnership

Chapter 400-04 WAC

PUGET SOUND PARTNERSHIP—STATE ENVIRONMENTAL POLICY ACT PROCEDURES

WAC

400-04-010 Authority. The Puget Sound partnership adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules, WAC 197-11-904.

400-04-020 Adoption by reference. The partnership hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code.

PART ONE - PURPOSE/AUTHORITY

197-11-030 Policy.

PART TWO - GENERAL REQUIREMENTS

197-11-040 Definitions. 197-11-060 Content of environmental review.
197-11-050 Lead agency. 197-11-070 Limitations on actions during SEPA process.
197-11-055 Timing of the SEPA process. 197-11-080 Incomplete or unavailable information.
197-11-060 Availability of environmental documents. 197-11-090 Supporting documents.
197-11-045 Public notice. 197-11-100 Information required of applicants.

PART THREE - CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATION

197-11-300 Purpose of this part. 197-11-305 Categorical exemptions.
PART EIGHT - DEFINITIONS

400-04-040 Additional definitions.

- "Director" means the executive director of the partnership as established in RCW 90.71.240.
- "Ecosystem coordination board" or "ECB" means the representative group that advises and assists the leadership council as established in RCW 90.71.250.
- "Leadership council" means the seven-member group appointed by the governor as established in RCW 90.71.220.
- "Partnership" means the agency of the Puget Sound partnership consisting of the seven-member leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel and/or agency staff.
- "Science panel" means the group that advises and assists the leadership council as established in RCW 90.71.270.

PART NINE - CATEGORICAL EXEMPTIONS

- "Affected tribe." means an Indian tribe that has been or will be affected by a proposal.
- "Building" means languages covered by water.
- "City" means a city.
- "County" means a county.
- "Impacted property" means property that is affected by a proposal.
- "State agency" means a state agency.
- "Underlying governmental action" means the governmental action that is the subject of the proposal.

PART TEN - AGENCY COMPLIANCE

- "Purpose of this part." means the purpose of this part.
- "Procedures on consulted agencies." means the procedures on consulted agencies.
- "SEPA fees and costs." means the SEPA fees and costs.
- "Application to ongoing actions." means the application to ongoing actions.
- "Lack of agency procedures." means the lack of agency procedures.
- "Agencies with environmental expertise." means the agencies with environmental expertise.
- "Lead agency rules." means the lead agency rules.
- "Determining the lead agency." means the determining the lead agency.
- "Lead agency for governmental proposals." means the lead agency for governmental proposals.
- "Lead agency for public and private proposals." means the lead agency for public and private proposals.
- "Lead agency for private projects with one agency with jurisdiction." means the lead agency for private projects with one agency with jurisdiction.
- "Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city." means the lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- "Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies." means the lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- "Lead agency for private projects requiring licenses from more than one state agency." means the lead agency for private projects requiring licenses from more than one state agency.
- "Lead agencies for specific proposals." means the lead agencies for specific proposals.
- "Transfer of lead agency status to a state agency." means the transfer of lead agency status to a state agency.
- "Agreements on lead agency status." means the agreements on lead agency status.
- "Agreements on division of lead agency duties." means the agreements on division of lead agency duties.
- "DOE resolution of lead agency disputes." means the DOE resolution of lead agency disputes.
- "Assumption of lead agency status." means the assumption of lead agency status.

PART ELEVEN - FORMS

- "Environmental checklist." means the environmental checklist.
- "Adoption notice." means the adoption notice.
- "Determination of nonsignificance (DNS)." means the determination of nonsignificance (DNS).
- "Determination of significance and scoping notice (DS)." means the determination of significance and scoping notice (DS).
- "Notice of assumption of lead agency status." means the notice of assumption of lead agency status.
- "Notice of action." means the notice of action.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-04-040, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-020, filed 2/3/86.]
WAC 400-04-504 Availability of environmental documents. There shall be established at the offices of the partnership a file containing all official partnership SEPA documents. Agencies and the public shall have access to this file.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-04-054, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-054, filed 2/3/86.]

WAC 400-04-510 Public notice. When these rules require notice to be given under this section, the partnership shall inform the public and other agencies that an environmental document is being prepared or is available, and public hearing(s), if any, will be held by the following notice procedures:

1. Publish notice in at least one newspaper of general circulation in each county, city, or general area in which the proposal is located or which the proposal affects;
2. Notifying the news media via news releases, public service announcements and personal contact; and
3. Sending notice to the official partnership mailing list. The official partnership list shall be kept on file and be available for inspection by the public. Individual members of the partnership’s advisory bodies shall receive notice.

4. Any other of the notice procedures listed in WAC 197-11-510, as appropriate.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-04-510, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-510, filed 2/3/86.]

WAC 400-04-680 Appeals. There shall be no administrative appeals of partnership SEPA determinations. Any person may informally request, either orally or in writing, the responsible official to reconsider a determination. The official shall reconsider the determination and provide a response, but as this is not a formal appeal as described by RCW 43.21C.075 and WAC 197-11-680, the official is not required to make a record or furnish reasons for the decision. Any informal request to reconsider a partnership SEPA determination shall be made within thirty days of the determination.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-04-680, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-680, filed 2/3/86.]

WAC 400-04-920 Partnership SEPA policies. The partnership adopts by reference the state environmental policy as set forth in SEPA, RCW 43.21C.020. To carry out this policy, the partnership will use all practicable means consistent with other essential considerations of state policy to improve and coordinate plans, functions, and resources, and to mitigate adverse impacts resulting from proposals to the end that the state and its citizens may:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences;
4. Preserve important historic, cultural, and natural aspects of our national heritage;
5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities;
7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-04-920, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-920, filed 2/3/86.]

WAC 400-04-910 Designation of responsible official. The partnership’s director, or the director’s designee, shall serve as the responsible official.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-04-910, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-910, filed 2/3/86.]

Chapter 400-06 WAC COMMUNICATIONS—PUBLIC RECORDS

WAC 400-06-010 Purpose.
WAC 400-06-020 Definitions.
WAC 400-06-090 Public records available.
WAC 400-06-110 Requests for public records.
WAC 400-06-120 Copying.
WAC 400-06-130 Exemptions.
WAC 400-06-140 Review of denials of public records request.
WAC 400-06-150 Protection of public records.
WAC 400-06-160 Records index.
WAC 400-06-170 Communications.
WAC 400-06-180 Request for public record—Form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

400-06-030 Authority operations and procedures. [Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. 90-17-063, § 400-06-030, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-030, filed 2/3/86.] Repealed by 10-12-009, filed 5/20/09, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-06-050 Puget Sound water quality authority officers—Terms. [Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. 90-17-063, § 400-06-050, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-050, filed 2/3/86.] Repealed by 10-12-009, filed 5/20/09, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-06-060 Puget Sound water quality authority—Regular meetings. [Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-060, filed 2/3/86.] Repealed by 10-12-009, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.71 RCW.

400-06-070 Puget Sound water quality authority—Description of organization. [Statutory Authority: Chapter 90.70 RCW. 91-20-076, § 400-06-070, filed 9/27/91, effective 10/28/91. Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. 90-17-063, § 400-06-070, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW
WAC 400-06-010 Purpose. The purpose of this chapter is to describe the partnership's communications to ensure compliance by the partnership with the provisions of chapter 42.56 RCW dealing with public records.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-010, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-010, filed 2/3/86.]

WAC 400-06-020 Definitions. (1) The terms "agency," "public record," and "writing" shall have the meaning as stated in RCW 42.56.010.

(2) "Partnership" means the Puget Sound partnership.

(3) "Director" means the executive director of the partnership as established in RCW 90.71.240.

(4) "Public records officer" means the partnership staff member so designated by the director.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-020, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. 90-17-063, § 400-06-020, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-020, filed 2/3/86.]

WAC 400-06-090 Public records available. All public records of the agency, as defined in WAC 400-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.56.210.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-090, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-090, filed 2/3/86.]

WAC 400-06-110 Requests for public records. In accordance with requirements of chapter 42.56 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing (or by fax or electronic mail if desired) upon a form prescribed by the partnership, which shall be available at its office. A request that is made other than upon the form prescribed by the office is permissible, but must provide the information listed in (a) through (e) of this subsection. The form shall be presented to the public records officer; or to any member of the partnership's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, telephone numbers, and organization represented, if any, of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index; and

(e) If the requested matter is not identifiable by reference to the partnership's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-110, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-110, filed 2/3/86.]

WAC 400-06-120 Copying. No fee shall be charged for the inspection of public records. The partnership shall charge a reasonable fee in the amount necessary to reimburse the partnership for its actual costs incident to copying, including staff time directly related to copying and mailing.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-120, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-120, filed 2/3/86.]

WAC 400-06-130 Exemptions. (1) The partnership reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 400-06-110 is exempt under any provision of chapter 42.56 RCW.

(2) All denial of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-130, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-130, filed 2/3/86.]

WAC 400-06-140 Review of denials of public records request. (1) Any person who objects to the denial of a request for public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member, which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a denial denying a public record, the public records officer or other staff member denying the request shall refer it to the director who shall consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the partnership has returned the petition with a decision, or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-140, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-140, filed 2/3/86.]
WAC 400-06-150 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the partnership.

(2) Original copies of public records of the partnership shall not be removed from the offices of the partnership.

(3) Care and safekeeping of public records of the partnership, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the partnership shall not be permitted.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-150, filed 5/20/10, effective 6/20/10. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-150, filed 2/3/86.]

WAC 400-06-160 Records index. (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the partnership to fall within the purview of RCW 42.56.070 and which are not exempted under any provision of chapter 42.56 RCW.

(2) The current index promulgated by the partnership shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The records index shall be updated at least annually.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-160, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.70 RCW and RCW 43.21C.120. 90-17-063, § 400-06-160, filed 8/15/90, effective 9/15/90. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-160, filed 2/3/86.]

WAC 400-06-170 Communications. All communications regarding the actions or decisions of the partnership, including activities pertaining to the administration or enforcement of chapter 42.56 RCW or these rules, shall be addressed to the Public Records Officer, Puget Sound Partnership, P.O. Box 40900, Olympia, Washington 98504-0900.

[Statutory Authority: Chapter 90.71 RCW. 10-12-009, § 400-06-170, filed 5/20/10, effective 6/20/10. Statutory Authority: Chapter 90.70 RCW. 91-20-076, § 400-06-170, filed 9/27/91, effective 10/28/91. Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-170, filed 2/3/86.]

WAC 400-06-180 Request for public record—Form.

STATE OF WASHINGTON
PUGET SOUND PARTNERSHIP
REQUEST FOR PUBLIC RECORD

Date of Request:  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Requested By:  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

[2011 WAC Supp—page 6]